

IMPORTANT NOTICE

The Judicial Branch Fee Schedule is amended July 1, 2009, to reflect increases in Family Matter filings and Violations Bureau late fees. In addition, the Fee Schedule contains one provision relating to Foreclosure Action filings that will be effective on June 15, 2009. The Foreclosure Mediation Fee is part of legislation currently pending before the 124th Legislature, contained in LD 1418. If the Legislature enacts the bill, the Foreclosure Mediation Fee will be imposed for all foreclosure actions filed on or after June 15, 2009. If the Legislature does not enact LD 1418, the Court will take prompt action to amend the Fee Schedule accordingly. JB-05-26 (A. 06-09 & 7-09) is issued today to provide advanced notice of the increases in the Family Matters and Violation Bureau Fees, and potential for the imposition of the Mediation Fee.

**STATE OF MAINE
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-05-26 (A. 06-09 & 07-09)

**REVISED COURT FEES SCHEDULE AND
DOCUMENT MANAGEMENT PROCEDURES**

Effective: June 15, 2009 and July 1, 2009

This order amends JB-05-26 as amended by A. 6-08rev. signed May 5, 2008, and effective June 1, 2008. This amended order is effective July 1, 2009, except for one provision relating to foreclosure action filings that is effective June 15, 2009.

In order to promote uniformity of practice, costs, and procedures, the following fees schedule and the following procedures for copying, attestation, and document management are adopted for all courts in the Maine State Court System. As used in this schedule, “clerk” means the Clerk of the Law Court, a Clerk of the Supreme Judicial and Superior Courts, a District Court, the Manager of the Maine Judicial Branch Violations Bureau, or a member of such a person’s staff who has been delegated the authority to sign documents on behalf of that person. This order replaces any previous Fee Schedule, Administrative Order, or Fee and Document Management Policy.

I. FEES

A. Filing and Similar Fees

(1) Supreme Judicial Court:

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| Notice of Appeal: | \$150.00 |
| Motion to Reconsider (M.R. App. P. 14(b)) | \$100.00 |
| Appearance Pro Hac Vice | \$600.00 |

(2) Superior Court and District Court:

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| Filing of a General Civil or Real Estate Action or Filing Third-Party Complaint | \$150.00 |
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| Filing a Pre-Judgment motion to decide a case on the merits pursuant to M.R. Civ. P. 12(b)(6), 12(c), 55(e) or 56 | \$200.00 |
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| Filing of a Motion for Post-Judgment Relief pursuant to M.R. Civ. P. 80(k) in an action under Title 19 or 19-A, including a Stipulated Amendment to a judgment but excluding a motion or stipulation to modify or enforce a child support order ¹ | \$ 60.00 |
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| Filing a Motion pursuant to M.R. Civ. P. 59, 60(b), 62, or 66, except for a motion to modify or enforce a child support order (see footnote 1) | \$ 60.00 |
| Appearance Pro Hac Vice | \$600.00 |

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| Filing of a Criminal Action, Traffic Infraction, or Civil Violation | No fee |
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| Entry of Petition for Forfeiture filed by AG or DA in criminal drug cases | No fee |
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| Entry of a Protective Custody Action | No fee |
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(3) Superior Court:

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| Jury Trial Fee in Superior Court | \$300.00 |
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¹ A motion or stipulation to modify or enforce a child support order may include a request for attorney fees and still be exempt from the post-judgment filing fee. A fee will be charged for a post-judgment motion or stipulation that raises additional issues. For example, a motion or stipulation seeking both a change in visitation and modification of child support requires payment of the fee.

Amended motions or stipulations that would require a fee if filed originally will also require the appropriate filing fee.

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| Medical Malpractice Notice of Claim (per party) | \$200.00 |
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(4) District Court:

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| Entry of a Family Matter Action ² | \$120.00 |
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| Entry of a Forcible Entry and Detainer ³ | \$ 70.00 |
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| Entry of a Small Claims Action ⁴ | \$ 50.00 |
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| Entry of a Small Claims Disclosure per defendant | \$ 15.00 |
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| Service of a Small Claims Action or Disclosure, per party (optional) | \$ 15.00 |
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| Entry of a Money Judgment Disclosure | \$ 60.00 |
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| Money Judgment Disclosure – reactivated | \$ 30.00 |
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| Entry of a Protection from Harassment Action | \$ 30.00 |
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| Entry of a Protection from Harassment Action with an Allegation of Domestic Violence, Stalking, or Sexual Assault | No fee |
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| Entry of a Protection from Abuse Action | No fee |
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(5) Violations Bureau:

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| Violations Bureau Late Payment Fee | \$ 50.00 |
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| Violations Bureau Re-opening Fee | \$ 25.00 |
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(6) Mediation-related Fees:

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| Pre-judgment or post-judgment mediation pursuant to CADRES in Family Division matters | \$160.00 |
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² Includes a grandparents' visitation petition under 19-A M.R.S. §§ 1801-1805 if filed as a new action; there is no fee if filed within a pending action. The term also applies to post-divorce termination of parental rights action brought under 22 M.R.S. § 4055(1)(A)(1)(b) and other actions not otherwise listed in this schedule initiated under specific statutory authority where no filing fee is set by statute.

³ Includes a \$10.00 mediation fee.

⁴ Includes a \$10.00 mediation fee and a \$5.00 postage fee.

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| Discretionary civil referrals to CADRES ⁵ | \$ 50.00 |
| Mediation in Land Use and Natural Pipeline matters | \$175.00 |
| Mediation in Foreclosure actions, to be paid by plaintiff in each Foreclosure action filed on or after June 15, 2009 | \$200.00 |
| Mediation in Environmental Enforcement matters | \$120.00 |
| Mediation in Forcible Entry and Detainer actions | included in filing fee |
| Mediation in Small Claims actions | included in filing fee |

B. Late Payment of Fines

This section, relating to late payment of fines, applies to all fines imposed after December 31, 2003, without regard to the date of the offense or the date of the charge. When a criminal fine or a juvenile court fine is not paid on the date it is imposed, or on the date that the payment is due, if the time for payment is extended by the Court, there shall be a late payment fee assessed, in addition to the amount due on the fine, as follows:

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| For original fines less than or equal to \$100, the late payment fee is | \$ 25.00 |
| For original fines greater than \$100 and less than or equal to \$500, the late payment fee is | \$ 50.00 |
| For original fines greater than \$500, the late payment fee is | \$100.00 |

The amount due on any late payment fee shall be determined by the amount of the fine specified on the face of the judgment, without regard to increases from surcharges or decreases from partial payments. When part of a fine is suspended,

⁵ This is an administrative fee.

the amount due shall be determined by the remaining, unsuspended portion of the fine. A late fee will be calculated separately for each charge on which a fine is imposed that remains unpaid.

C. Appeal Fees

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| Civil Appeal to Superior Court or to Law Court | \$150.00 |
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| Entry of Workers' Compensation Appeal | \$120.00 |
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| Entry of Unemployment Compensation Appeal | No fee |
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| Criminal Appeals | No fee |
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| D. Fees for Preparing Writs and Renewal of Writs | \$ 25.00 |
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E. Fees for Summons, Subpoenas, Booklets, and Other Forms

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| Form with Court Seal or Clerk Signature | \$ 5.00 |
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| Subpoenas in PFA or PFH actions when the complaint includes an allegation of domestic violence, stalking, or sexual assault | No fee |
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| Small Claims, PFA and PFH Booklets | No fee |
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| Other forms - up to 3 copies (Requests for more than 3 copies to be refused; requestor can arrange copying elsewhere or copy from Court website.) | No fee |
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F. Fees for Ministerial Acts

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| Ministerial Acts (including but not limited to the following): | \$ 5.00 |
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Signature of clerk on documents affecting Real Estate:

Lis Pendens, 14 M.R.S. § 4455 Certificate

14 M.R.S. § 6321 Certificate (in Foreclosure action)

14 M.R.S. § 6653 Certificate (in Quiet Title action)

Signature of Clerk of Court on Divorce Abstracts

G. Copying and Attestation Fees

Exemplifying copies (per document) Form # CR-040 \$ 5.00

Attesting copies (per document) Form # CR-041
may be used \$ 5.00

Copies, including copies generated by a computer
First Page \$ 2.00
Each subsequent page \$ 1.00

H. Fees for Certificates

Preparation, signature, and attestation of short-form
Certificate of Judgment of Divorce Form # CV-170 \$ 5.00

Certificate of Good Standing for Attorneys \$ 25.00

I. Miscellaneous Fees

Fee for action as Notary Public or Dedimus Justice⁶ \$ 10.00

Postage and Handling Fee for Mail Requests \$ 5.00

Schedules, Trial Lists, Administrative Orders No fee

Duplicate Tape Recordings
First Tape \$ 25.00
Subsequent tapes in same proceeding \$ 10.00
Listening to recordings of court proceedings
pursuant to Civil Rule 76H(e), per hour \$ 25.00

⁶ No fee is to be charged for notarization of papers to be filed with the court.

J. Escrow Accounts

On accounts opened on or after July 1, 1989, 5% of total proceeds unless otherwise ordered by the Court. On accounts opened before July 1, 1989, 1/2 of accrued interest.

K. Requests for Record Checks \$ 15.00

Clerk's offices should respond or decline to respond to these requests as provided in the Administrative Order on Public Information and Confidentiality

L. The following rates apply to transcript orders:

(1) The charge by Official Court Reporters for Transcripts of any court proceedings⁷ shall be

\$3.00 per page
for an original
and one copy.

Additional copies shall be

\$.50 per page.

(2) The charge by the Electronic Recording Division for Transcripts of any court proceedings⁸ shall be

\$3.00 per page
for an original
and one copy.

Additional copies shall be

\$.50 per page.

(3) The rate to be charged for a transcript produced on an expedited basis, such as daily copy, shall be arranged between the Official Court Reporter and parties to an action ordering such a transcript. Availability of a copy of such expedited

⁷ Each page of transcript shall have at least twenty-five typed lines and each full line shall be six inches in length. This order shall not preclude the practice of formatting four pages of transcript on a single sheet of paper, referred to in Maine Rule of Civil Procedure 5(i)(2) as condensed transcripts.

⁸ Deposits which approximate the total charge shall be made directly with the Electronic Recording Division.

transcript to other parties shall be under the control of the presiding justice.

II. PAYMENT

Payment in full is necessary at the time a request is made, and a receipt must be issued. Payment must be made in U.S. funds, and may be by cash, credit card, money order, or check, including out-of-state instruments. Foreign checks must be imprinted as “U.S. Funds” and foreign checks not so imprinted will not be accepted.

A clerk may refuse to accept payment by check from a person who has previously presented a check that has not been honored by a financial institution or from a person previously convicted of the crime of negotiating a worthless instrument, or if the clerk has information that indicates there are not sufficient funds available to cover the check. A \$20.00 charge shall be assessed for each returned check.

Mail requests for copies or forms will be honored, and, unless a self-addressed stamped envelope is enclosed with the request, a standard \$5.00 postage and handling charge will be assessed for each required mailing.

Charge accounts may not be maintained by a clerk.

When the funds in an escrow account are ordered by the court to be paid to a person entitled to these funds, the clerk shall instruct the depository to write a check to “Treasurer, State of Maine” for 5% of the total amount in the account at the time of distribution. This applies only to escrow accounts opened on or after July 1, 1989. For escrow accounts opened prior to July 1, 1989, the clerk shall instruct the depository to divide in half and distribute the interest between the State of Maine and the person entitled to the funds.

III. EXEMPTIONS FROM FEES

The following Maine entities are exempt from the imposition of the above fees:

- Judicial Branch
- Legislature

- Executive Department Agencies
- Department of Attorney General
- District Attorneys
- Probate Courts
- State Independent Administrative agencies performing a statewide function, such as the Maine State Housing Authority and the Finance Authority of Maine

Also exempt from the imposition of the above fees are:

- Out-of-state official entities that perform a general governmental function such as:
 - ≈ Courts
 - ≈ Department of Health and Human Services or like agencies
 - ≈ Attorneys appointed and paid for by the court
 - ≈ Guardians ad Litem appointed and paid for by the court

The following entities are **NOT** exempt from the imposition of the above fees:

- Federal agencies, including military services, except where exempt by Federal Statutes in which case it would be the agency's responsibility to demonstrate that they have that exemption.
- Municipalities
- Other local units of government
- Regional entities
- State chartered entities that do **NOT** perform a general governmental function, including the University System.

Police Departments, defense counsel, or parties to a criminal action are entitled to one copy (attested or nonattested) of any document relating to that action pursuant to M.R. Crim. P. 53. Nonparties are subject to the fees set forth in this policy.

Litigants or their counsel who have been granted *in forma pauperis* status pursuant to M.R. Civ. P. 91, and litigants and their counsel in cases where counsel has been appointed by the court are exempt, during the pendency of that action, from payment of fees where the requested copy or service is essential to the conduct of the action.

Copies of documents, attested or not, provided to parties, parties' counsel or authorized representatives, or law enforcement agencies in Protection from Abuse or Protection from Harassment actions are provided without charge.

IV. STANDARDS FOR DOCUMENT MANAGEMENT

A. Preparation and Signature of Documents

Clerks of Court may sign certificates or documents prepared or completed by parties or counsel, but parties and counsel are responsible for the accuracy of the information contained in the document presented to the clerk.

B. Retention and Distribution of Documents

Only one original may be prepared and executed of a judgment, order, or other document that has independent legal significance. The original executed document must be retained in the case file. If there is a charge for the preparation of the document set by this policy, one attested copy is to be provided without additional charge. When the legal equivalent of an original is necessary, for example, for filing in a Registry of Deeds, an attested copy should be provided and the original retained in the file.

This procedure does not apply to certificates that do not in themselves have a legal significance, but that simply reflect the existence of a filing, event, or other document with that significance that is retained in the court file (i.e., short-form Certificate of Judgment of Divorce; 10 M.R.S. § 3261 certificate, 14 M.R.S. §§ 2401(3)(F), 4455, 6321, 6653 certificates). However, if a Clerk of Court executes such a certificate or document, it should be reflected in the docket. Therefore, a one-page clerk's certificate would cost \$5.00, which is the fee for the clerk's signature. The attorney or party in this case would receive the original, signed certificate, not an attested copy. However, in the case of a clerk's certificate that is made a part of the Judgment, the original must be retained.

In order to expedite the flow of work between government agencies, Clerks of Court are authorized to accept requests from parties or counsel asking that a document or attested copy be filed with a Registry of Deeds,

but only if the request is accompanied by (1) a check payable to the Registry for the appropriate fee for recording, and where the Registry is in a different facility, (2) by a postage paid pre-addressed mailing envelope. The document must indicate that it is to be returned by the Registry to the party, not the clerk's office.

V. CALCULATION OF COPY FEES

Copy fees are to be charged for copies of all documents, except that each party-of-record is entitled to one nonattested copy of a judgment, decision, or order entered by a judge or a default order entered by a Clerk of Court when the copy is provided in lieu of a notice of docket entry pursuant to M.R. Civ. P. 77(d).

VI. CALCULATION OF ATTESTATION OR EXEMPLIFICATION FEES

Attestation fees and exemplification fees are calculated per attestation and per exemplification and are added to applicable copy fees. Each attested copy, (whether a multiple reproduction of the same document, or one or more copies of different documents) is charged the attestation fee, regardless of the number of pages copied (except where the requestor wants each page separately attested, in which case the fee is charged for each page). The exemplification fee does not include the attestation, and the charges are added together for each document. To exemplify a document, the Exemplification Form CR-040 is used.

Separate documents that are legally a part of a larger or legally consolidated document, for example, an Income Withholding Order that is on a separate sheet, but legally a part of a divorce judgment, may either be attested and charged for separately, if requested, or provided as a part of a consolidated document or file. If the copy is provided as a part of a consolidated document or file, it is not charged a separate attestation fee. To attest multiple documents or an entire file, the Attestation Form CR-041 is used.

VII. EFFECTIVE DATE

These amendments (A. 6-09 & 07-09) to this Administrative Order JB-05-26 are effective on July 1, 2009, except that the Foreclosure Action Fee to cover mediations is effective June 15, 2009.

For the Court,

Leigh I. Saufley
Chief Justice

Promulgation Date: June 8, 2009

Historical Derivation of JB-05-26

Revised Court Fees Schedule and Document Management Procedures
A.O. JB-05-26 (A. 6-08rev) Effective: June 1, 2008, Dated: May 5, 2008
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Revised Court Fees Schedule and Document Management Procedures
A.O. JB-05-26 (A. 6-08) Effective: June 1, 2008, Dated: April 15, 2008
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Revised Court Fees Schedule and Document Management Procedures
A.O. JB-05-26 (A. 7-07) Effective: July 1, 2007, Dated: June 13, 2007
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Revised Court Fees Schedule and Document Management Procedures
A.O. JB-05-26 (A. 1-06) Effective: January 1, 2006, Dated: December 19, 2005
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Revised Court Fees Schedule and Document Management Procedures
A.O. JB-05-26 Effective: October 1, 2005, Dated: September 15, 2005
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Court Fees Schedule and Document Management Procedures
A.O. JB-05-3 Effective: August 1, 2005, Dated: July 13, 2005
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Revised Court Fees Schedule and Document Management Procedures
Effective: January 1, 2005, Dated: November 23, 2004
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Revised Court Fees Schedule and Document Management Procedures
Dated: February 23, 2004
Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court

Court Fees

AO JB-00-04, Effective: January 1, 2001, Dated: December 7, 2000

Signed by: James T. Glessner, State Court Administrator

Modifying Transcript Rates Of Official Court Reporters

AO JB-00-02 Rev. (which replaced SJC-406 and amended SJC-118), Dated: April 19, 2002

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court and
Vendean V. Vafiades, Chief Judge, Maine District Court